

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

THE STATE OF MISSOURI; THE STATE
OF TEXAS,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as
President of the United States, *et al.*

Defendants.

No. 7:21-cv-00420
(formerly No. 6:21-cv-00052)

THE GENERAL LAND OFFICE OF THE
STATE OF TEXAS, and DAWN
BUCKINGHAM, M.D., in her official capacity
as Commissioner of the Texas General Land
Office,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; and ALEJANDRO
MAYORKAS, in his official capacity as
Secretary of the Department of Homeland
Security,

Defendants.

No. 7:21-cv-00272

**PLAINTIFFS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO DEFENDANTS' MOTION TO MODIFY FINAL JUDGMENT
AND PERMANENT INJUNCTION**

Plaintiffs respectfully move for the Court to extend their deadline to respond to Defendants' motion to modify the final judgment and permanent injunction by 60 days, up to and including February 11, 2025. In support of their motion, Plaintiffs state as follows.

1. On March 8, 2024, the Court entered an order granting in part Plaintiffs' Motion for Preliminary Injunction. ECF 128.

2. On April 10, 2024, the parties filed a Joint Motion for Entry of Final Judgment and for Briefing Schedule with the Court. ECF 150 at 1. In the joint motion, the parties "agree[d] that the Court may enter final judgment in these cases without additional dispositive motion practice," subject to "one discrete issue concerning the form of a final judgment on which [the parties] have been unable to agree." *Id.* at 2.

3. The Court entered its Final Judgment and Permanent Injunction on May 29, 2024. ECF 208.

4. On November 22, 2024, Defendants filed a "Motion to Modify Final Judgment and Permanent Injunction to Facilitate New Border Wall Construction." ECF 227. Plaintiffs oppose Defendants' motion. *Id.* at 31. Plaintiffs' response to Defendants' motion is currently due December 13, 2024. L.R. 7.3, 7.4.

5. Plaintiffs respectfully request a 60-day extension, up to and including February 11, 2025, on the deadline to respond to Defendants' motion.

6. Good cause exists for an extension of Plaintiffs' deadline to respond to Defendants' motion. Defendants' post-judgment motion raises a number of factual and legal arguments in their request for the Court to modify its permanent injunction

six months after the permanent injunction was entered by the Court on the consent of the parties and the case closed. Undersigned counsel is currently responsible for representing the State of Missouri or its officers in a number of active state and federal cases with recent or upcoming deadlines, including briefing deadlines, a hearing on a preliminary injunction, and an upcoming trial.

7. In addition, following the November 5, 2024 election, a number of offices in the States are in transition, and counsel may need to confer with incoming officeholders.

8. Counsel for Plaintiffs have conferred with counsel for Defendants on Plaintiffs' request for a 60-day extension of the deadline to respond to Defendants' motion. Defendants do not oppose Plaintiffs' request for a 60-day extension of the deadline to respond to Defendants' motion.

9. A proposed order granting Plaintiffs' motion for an extension of time is attached as Exhibit 1.

For the foregoing reasons, Plaintiffs respectfully move for the Court to extend the deadline for Plaintiffs to respond to Defendants' motion to modify the final judgment and permanent injunction by 60 days, up to and including February 11, 2025.

Date: December 6, 2024

ANDREW BAILEY
Attorney General of Missouri

/s/ Joshua M. Divine
JOSHUA M. DIVINE, #69875MO
Solicitor General
Attorney-in-Charge
Southern Dist. of Texas Bar No.
3833606

SAMUEL FREEDLUND, #73707MO*
Deputy Solicitor General

OFFICE OF THE ATTORNEY GENERAL
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
Tel. (573) 751-1800
Fax (573) 751-0774
josh.divine@ago.mo.gov
samuel.freedlund@ago.mo.gov

Counsel for Plaintiff
State of Missouri

*Admitted *pro hac vice*

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Legal Strategy

/s/ Ryan D. Walters
RYAN D. WALTERS
Attorney-in-Charge
Chief, Special Litigation Division
Texas Bar No. 24105085
Southern Dist. of Texas Bar No. 3369185

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548
Austin, Texas 78711-2548
Tel.: (512) 936-1414
Fax: (512) 936-0545
ryan.walters@oag.texas.gov

Counsel for Plaintiff State of Texas

/s/ Austin R. Nimocks

AUSTIN R. NIMOCKS
Attorney-in-Charge

Texas Bar No. 24002695
S.D. Tex. Bar No. 2972032
austin@peelenimocks.com

CHRISTOPHER L. PEELE
Of Counsel
Texas Bar No. 24013308
S.D. Tex. Bar No. 31519
chris@peelenimocks.com

PEELE | NIMOCKS LAW FIRM
6836 Bee Caves Rd. Bldg. 3, Ste. 201
Austin, TX 78746
Phone: (512) 522-4893

*Counsel for Plaintiffs Texas General Land
Office and Commissioner Dawn
Buckingham, M.D.*

CERTIFICATE OF SERVICE

I certify that on December 6, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, all consistent with Federal Rule of Civil Procedure 5(b).

/s/ Joshua M. Divine

Counsel for Plaintiffs

CERTIFICATE OF COMPLIANCE

I certify that the foregoing document contains 470 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine

Counsel for Plaintiffs